

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF OHIO

Jeff Lackie, et al.)	Case No. 2:15-cv-695
Plaintiffs,)	Judge George C. Smith
v.)	Magistrate Judge
U.S. Well Services, LLC)	Elizabeth Preston Deavers
Defendant.)	

NOTICE OF CLASS ACTION SETTLEMENT

TO: Hourly non-exempt employees or former employees of U.S. Well Services, LLC in Ohio and Pennsylvania who (1) received a safety or performance bonus, (2) worked for more than forty hours in a workweek in which a bonus was earned, and (3) have not already opted into the instant case (“Settlement Class”).

**TO RECEIVE A SETTLEMENT PAYMENT, YOU MUST
SIGN AND RETURN THE ATTACHED CONSENT FORM BY
(insert 60th day after date of mailing))**

PURPOSE OF THIS NOTICE

This Notice informs you of a proposed class and collective action settlement (“the Settlement”) in which you are entitled to a settlement payment. This notice tells you what you must do to receive a settlement payment. Alternatively, it tells you how you may exclude yourself from the Settlement Class if you so desire, as well as other rights of class members.

THE ACTION AND PROPOSED SETTLEMENT

The Action was filed by Plaintiffs Jeff Lackie and William Crandell on behalf of themselves and other current and former employees of Defendant U.S. Well Services, LLC. Plaintiffs alleged that Defendant miscalculated overtime compensation in violation of the Fair Labor Standards Act and Ohio and Pennsylvania laws because “safety and compliance bonuses” as well as “performance bonuses” were excluded from the overtime calculation. Defendant denies those claims.

If approved by the Court, the Settlement will resolve and release all claims against Defendant and related parties involving alleged miscalculation of overtime compensation on account of bonuses and all other wage-and-hour or overtime compensation claims (except for certain claims specified in the parties’ Settlement and Release Agreement relating to per diem payments and alleged misclassification of employees). The Settlement provides settlement payments to the Plaintiffs and Opt-Ins, and makes reduced payments available to members of the Settlement Class defined above. Attorneys’ fees in the amount of one-third of the total settlement amount will be deducted.

The Court has preliminarily approved the Settlement and ordered this Notice to be sent to members of the Settlement Class. The Court has no opinion on the merits of the Action.

HOW TO RECEIVE A SETTLEMENT PAYMENT

To receive a settlement payment, you must sign and return the enclosed “Consent Form” by (a) mailing it to _____, (b) faxing it to _____, or (c) scanning and emailing it to _____.

Your signed Consent Form must be postmarked, or received by fax or email, by (insert 60th day after date of mailing).

NO RETALIATION PERMITTED

The law prohibits U.S. Well Services and its agents and employees from discharging you or in any manner harassing, discriminating, or retaliating against you for taking part in this Action.

FAIRNESS HEARING AND RELATED MATTERS

To determine whether final approval of the Settlement should be granted, the Court will convene a Fairness Hearing at _____ on _____. The Fairness Hearing will be held in Courtroom _____ of the Joseph P. Kinneary U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215. Class members may object to the Settlement by mailing a statement of objection to _____, postmarked on or before _____, and they may enter an appearance through an attorney if they so desire. **Class members are not required to appear at the Fairness Hearing.**

REQUESTING EXCLUSION AND BINDING EFFECT

The Court will exclude you from the Settlement Class if you so desire. Requests for exclusion must be mailed to _____, postmarked on or before _____. Members of the Settlement Class who do not request exclusion will be bound by the Settlement and the Court's final judgment in the Action.

PLAINTIFFS' COUNSEL

The attorneys who represent the Plaintiffs, Opt-Ins, and Settlement Class are:

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FURTHER INFORMATION

To review the Settlement and Release Agreement or obtain further information about this Notice or the Action, please call Hans A. Nilges or Shannon M. Draher at 330-470-4428. Papers and documents filed in the Action, including the Settlement and Release Agreement, may be examined and photocopied during regular office hours (8:00 a.m. to 4:30 p.m.) at the office of the Clerk of Court, Joseph P. Kinneary U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

PLEASE DO NOT CONTACT THE COURT.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JEFF LACKIE, et al.,)	CASE NO. 2:15-cv-695
)	
Plaintiffs,)	JUDGE GEORGE C. SMITH
v.)	
)	MAGISTRATE JUDGE
U.S. WELL SERVICES, LLC)	ELIZABETH PRESTON DEEVERS
)	
Defendant.)	

CONSENT FORM AND RELEASE

I hereby consent to become a party in the captioned action for the purpose of accepting the terms of the Settlement and Release Agreement and receiving an individual settlement payment. I understand that if the Settlement is approved by the Court, I will be bound by the Court's final judgment approving the Settlement.

I release U.S. Well Services, LLC from any claim, right, or cause of action under the Fair Labor Standards Act and any applicable state wage statute relating to or arising from the payment of monthly bonuses and its alleged impact on the rate and amount of overtime pay and all other wage-and-hour or overtime compensation claims, known or unknown, (except for certain claims specified in the parties' Settlement and Release Agreement by Cause/Case Numbers relating to per diem payments and alleged misclassification of employees).

Date

Signature

Printed Name

Street Address

City, State, and Zip Code

Phone Number

Email address